

Southeast News: Major and Miner



Safety through Education & Training



2003-1

Birmingham, Alabama

March, 2003

MSHA

INFORMATION

NEW FACES IN NEW PLACES

Michael A. Davis has accepted the position of **District Manager** for the Southeastern District. Mike started working for MSHA in our Franklin, Tennessee Field Office in 1989. In 1991 he relocated to South Central District as an inspector and in 1988 was promoted to Field Office Supervisor in San Antonio, Texas. In 2000, Mike became the Assistant District Manager in our South Central District in **Dallas, Texas**. Mike will be returning to the Southeastern District on March 23, 2003.

Curtis Moore started working in our Birmingham Field Office on February 9, 2003 as a metal and nonmetal mine inspector (trainee). Curtis comes to us from Columbus, Georgia.



PROGRAM INFORMATION BULLETIN

Program Information Bulletin No. P02-12

Issue Date: December 4, 2002

Subject: Potential Deteriorated Breathing Hose on Some Ocenco EBA 6.5 Self-Contained Self-Rescue (SCSR) Devices

Program Information Bulletin No. P02-13

Issue Date: December 12, 2002

Subject: Withdrawal of MSHA Approval 2G-2239 and NIOSH Approval TC-74-105 for Mine Safety Appliances (MSA) Model G Sampling Pumps

Program Information Bulletin No. P03-01

Issue Date: February 13, 2003

Subject: Potential for the Quick Sand Start Candle on Mine Safety Appliance (MSA) Life-Saver 60 Self-Contained Self-Rescuer (SCSR) to Overheat or Catch Fire on Units Manufactured from September 2000 to July 2002

Program Information Bulletin No. P03-2

Issue Date: February 14, 2003

Subject: New Release of MSHA's Program Policy Manual (PPM)

NEWS RELEASES

News Release No. 03-03

Release Date: January 2, 2003

Subject: Mining Deaths Drop to New Low in 2002

News Release No. 03-66

Release Date: February 11, 2003

Subject: Civil Penalties Rise for Mine Safety and Health Violations

News Release No. 03-66

Release Date: February 11, 2003

Subject: MSHA, NSSGA Form Innovative Mine Safety Alliance

Copies of the Program Information Bulletins and News Releases are available, by contacting Cindy Kinard (205) 290-7296, ext. 225; fax (205) 290-7299 or on MSHA's Homepage at www.msha.gov.

MSHA RAISES CIVIL PENALTIES

Effective April 11, 2003 civil penalty fines for all mine safety and health violations will increase by a little over 10 percent.

- 6 The "single penalty" assessment for non-serious violations that are corrected promptly will rise from \$55 to \$60;**
- 6 The existing maximum daily penalty will rise from \$5,500 to \$6,500 for failure to correct a violation within the period permitted;**
- 6 The maximum civil penalty will increase from \$55,000 to \$60,000 per violation;**
- 6 Civil penalties for miners who violate mandatory safety standards relating to the use or carrying of smoking materials will continue to be assessed at \$275.**



2002 Sentinels of Safety End-of-Year Mailers and Verification Letters

On March 17, 2003 MSHA will send end-of-year mailers to all operators to provide them an opportunity to review and add or change injury information. When these are returned to MSHA, verification letters will be sent out to qualifying mines for the 2002 Sentinels of Safety Awards.

To be eligible for this award your mine must have worked a minimum of 30,000 hours during the calendar year without a lost-time or fatal accident in the extractive portion of your mine (subunits 01 through 06).

If your mine is eligible for this award and you have not received a verification letter by the end of the first week of April, please contact Dave Blumenstein at (303) 231-5803 or e-mail

blumenstein-paul@msha.gov

Joseph A. Holmes Scholarship Program

Joseph A. Holmes Association is offering a scholarship program open to persons currently employed or pursuing careers in the mining industry, safety and health fields. Scholarships are available in the following categories: High school graduates (or "graduating seniors"); Undergraduate students currently enrolled in a college or university; Graduates of a college or university. For more information, go to www.msha.gov then click on Program Information, Education and Training, scroll to the bottom of the page and click on Joseph A. Holmes Association, scroll down to last question on how to apply for a scholarship. Applications must be submitted no later than May 2, 2003. If you would like a hard copy of application requirements, please contact Cindy Kinard at (205) 290-7296, ext. 225 or e-mail kinard-cindy@msha.gov

NIOSH HAZCOM

HELPER SOFTWARE

*All mines and contractors - regardless of size - are to be in compliance with MSHA's new HazCom regulation on March 21, 2003. NIOSH has developed an electronic, downloadable version of a HazCom written program with excellent prompts to assist you in completing your HazCom requirements. This program is available **free-of-charge** and can be accessed by going to NIOSH's Mining Website at <http://www.cdc.gov/niosh/mining/hazcom> or a copy of the CD can be made available by contacting Judith Etterer at (205) 290-7296, ext. 227 or e-mail at etterer-judith@msha.gov*

DIESEL PARTICULATE INFORMATION

New to the list of items to assist underground mine operators in complying with MSHA's diesel regulations are the following:

✓ **Metal/Nonmetal Diesel Particulate Filter Selection Guide** – this guide is designed to function as an interview for a specific piece of diesel-powered equipment. The user is asked a series of questions. User responses will lead to the next question, and the user will be provided an explanation or guidance on what may need to be done to select and successfully use a DPM filter on the target equipment.

This guide can be accessed by going to: www.msha.gov/nioshnmfilterselectionguide/MNM or a copy of the CD can be requested by contacting Judith Etterer; (205) 290-7296, ext. 227 or e-mail etterer-judith@msha.gov

✓ **NIOSH List Server** - established as a means to disseminate and share information and experiences concerning the application of available technologies for the reduction of miner exposures to diesel particulate matter and gaseous emissions in underground mines. By sending an e-mail message (called posting) to the e-mail address of the list server, several messages can be sent to all persons signed up to receive this e-mail. Those receiving the message can choose to reply to the sender only, reply to all subscribers or ignore the message. This list server is open to, and

welcomes worldwide participation. If you are concerned with any aspect of the application of diesel emission control technologies in underground mines, you are invited to participate.

To join the DIESELS-UNDERGROUND-L list, all you need to do is send the following line as the only content in the body (not the subject) of an email:

JOIN DIESELS-UNDERGROUND-L your name

Where your name is how you want to be identified as the sender of your email to the list members. Usually it is your full name.

Send the email with the line above to listserv@listserv.cdc.gov

You will get a response which you must read but it simply instructs you to reply with the words "ok" as the first line in the body of the message, or if that doesn't work, then "okkeycode" where the keycode was in the subject of the message from the list server. When subscribing is successful, you will get a message telling you how to send email to the list, which is at diesels-underground-L@listserv.cdc.gov.

For Help or Questions contact: George Schnakenberg, gis3@cdc.gov (gschnakenberg@cdc.gov)

20 Most Frequently Cited Standards by Mine Type

MSHA is providing a list of the top 20 most frequently cited standards to assist mine operators in their compliance efforts in efforts to promote focus on areas that need attention. "Compliance Tips" are also available for some of the standards.

To access the lists on the MSHA homepage go to www.msha.gov. From there under special initiative on the left side of the page you will see Top 20 Violations. If you would like a hard copy of the report please contact Cindy Kinard at (205) 290-7296, ext. 225 or e-mail kinard-cindy@msha.gov Please provide the mine type(s) you are interested in.



Hazard Alerts

The following hazard alerts have been released:

➤ Trucks Use Lower Gears – a one page Best Practice that lists ways to prevent accidents and injuries involving trucks.

➤ Maintenance Work Life or Death Experience – describes steps that can be taken to ensure workers are not injured while performing maintenance work.

To access these alerts go to www.msha.gov then click on Safety Flyers

➤ Use of Chains to Protect Against Fall Hazards - this alert contains a media file that enables the user to see how a chain used a handrail was ineffective. With relatively little pressure applied, the chain released and resulted in a fatality. *To access this file go to www.msha.gov then click on Safety Alerts*

CONFERENCES /WORKSHOPS

26TH NORTH CAROLINA MINE SAFETY AND HEALTH CONFERENCE

The 26th North Carolina Mine Safety and Health Conference will be held March 27-28, 2003 at the Hilton Riverside Hotel in Wilmington, NC.

Conference registration is \$65.00 per participant and will include lunch on March 27 and breakfast on March 28. If you plan to attend, or need further information, please contact William Gerringer at (919) 807-2790 or by e-mail at wgerringer@mail.dol.state.nc.us

MSHA INSTRUCTOR CERTIFICATION CLASSES

MSHA Instructor Certification Classes are available to interested person, **free-of-charge**. The three-day classes are scheduled on an as-needed basis when the number of requests supports a class of at least 10 attendees. The next class is scheduled for **April 8-10, 2003 in Birmingham, Alabama**. This program will prepare experienced mine employees to conduct safety training mandated by the Federal Mine Safety and Health Act. Upon completion of the program, each experienced miner participant will be certified by MSHA as an approved instructor to conduct mandated miner safety training.

For additional information, or to enroll in this program, please contact Terry Phillips or Connie Carmichael; (205) 290-7294; fax: (205) 290-7299

SPRING WORKSHOP

MSHA, in partnership with the National Stone Sand and Gravel Association, will conduct a **Spring Workshop** in Ft. Myers, Florida on **March 19, 2003** at APAC-Florida, Incorporated. Topics to be discussed at this workshop are: How to Implement an Effective Safety Program; HazCom; MSHA's New Small Mines Division; Accidents/Fatals at Small Mines; Florida Mine Safety Training Program. To register for this workshop, please contact Donna Menendez with Florida Mine Safety and Health at (850) 921-8093.

Certified Mine Safety

Professional Development Course & Exam

The Florida Mine Safety Training Office will offer the CMSP Development Course and Exam the week of June 2-6, 2003, in Tallahassee, Florida. For information on enrollment qualifications and costs, please contact Ben Hart at (850) 921-8093; Ben.Hart@dep.state.fl.us or Rod Higgins at (888) 481-1899; rhiggins@ismsp.com



ACADEMY CLASSES & WORKSHOP

The following classes/workshop are available through MSHA's Mine Health and Safety Academy located in Beckley, West Virginia:

CLASSES

Accident Prevention Techniques*

3 days, scheduled upon request

Technical Coordinator: **Kenneth Scott**

Tuition: **\$215.00**

Blasting (Underground)*

2 days, available on request

Technical Coordinator: **Wayne Lively**

Tuition: **\$143.00**

Hazard Communication (HazCom)

April 22, 2003

Technical Coordinators: **Tom Bonifacio, William McKinney, John Tyler**

Tuition: **\$72.00**

Industrial Hygiene: Sampling for Respirable Silica Dust and Noise

Only offered on site

Technical Coordinators: **William McKinney, Polly Kalich**

Tuition: **\$250.00 per student**

Instructor Training Workshop (Part 48)

April 14-17, 2003

August 25-28, 2003

Includes optional first aid class on first day

Technical Coordinator: **Kenneth Scott**

Tuition: **\$215.00 (3 days)**

**\$286.00 (4 days) includes one day
First Aid Instructor Training**

Introduction to Mining*

August 26-28, 2003

Technical Coordinator: **Jimmy Shumate**

Tuition: **\$215.00**

Mine Accident Investigation Techniques*

September 9-11, 2003

Technical Coordinator: **Kenneth Scott**

Tuition: **\$215.00**

Mine Construction, Maintenance, and Repairs Safety

June 3-4, 2003

Technical Coordinator: **Tom Bonifacio**

Tuition: **\$143.00**

Mine Elevator Inspection Program Training – Module I*

July 29-31, 2003

Technical Coordinator: **Roy Milan**

Tuition: **\$215.00**

Mine Rescue Training

1 day, available on request

Technical Coordinator: **David Friley**

Tuition: **\$72.00 (may be waived for mine rescue team members)**

Respirable Dust and Silica Sampling and Control*

3 days, scheduled upon request

Technical Coordinator: **William McKinney**

Tuition: **\$215.00**

Roof Control for Miners*

1 day, available on request at worksite

Technical Coordinator: **John Rosiek**

Tuition: **\$72.00**

Underground Diesel Equipment/Ventilation

March 11-13, 2003

June 3-5, 2003

Technical Coordinator: Scott Mandeville, Don Gibson

Tuition: \$215.00

Underground Ventilation for Metal and Nonmetal Mines*

2 days, available on request

Technical Coordinator: Scott Mandeville, Rocky McKinney

Tuition: \$143.00

*Scheduling at worksite available upon request.

For additional information on these classes, please contact the technical coordinator at (304) 256-3100 or to enroll call (304) 256-3252; fax: (304) 256-3251.

ACADEMY WORKSHOP

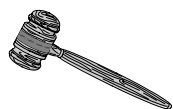
Mine Construction, Maintenance, and Repairs Safety Workshop

April 1-3, 2003

Technical Coordinator: Tom Bonifacio

Tuition: None

For additional information on these seminars/workshops, please contact the technical coordinator at (304) 256-3100 or to enroll call (304) 256-3251.



Rulemaking

Air Quality and Chemical Substances – **Completed Action** - Withdrawn September 26, 2002.

Asbestos Exposure Limit – **Proposed Rule Stage** - Advance notice of proposed rulemaking published March 29, 2002. A notice of change to public meetings was published April 18, 2002. Advance notice of proposed rule making comment period ended June 27, 2002. Notice of proposed rulemaking is expected September, 2003.

Criteria and Procedures for Proposed

Assessment of Civil Penalties – **Completed**

Action – Rule revised MSHA's civil penalty assessment amounts to adjust for inflation. Direct final rule was published February 10, 2003, effective April 11, 2003 unless significant adverse comment is received by March 11, 2003.

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners –

Prerule Stage – MSHA published final rule on January 19, 2001 that established an interim concentration limit of 400 micrograms of total carbon per cubic meter of air that became applicable July 20, 2002 and a final concentration limit of 160 micrograms to become applicable after January 19, 2006. The rule has been legally challenged and settlement negotiations with litigants have resulted in further regulatory action on several requirements in the January 19, 2001 final rule.

As a result of partial settlement, MSHA published two documents in the Federal Register on July 5, 2001. One delayed the effective date of §57.5066(b). The second was a proposed rule to clarify § 57.5066(b)(1) and (b)(2) and to add a new paragraph (b)(3) to 57.5067. The final rule on these issues was published February 27, 2002, and became effective March 29, 2002. MSHA agreed to reenter rulemaking on several other provisions.

The following constitute the basis for this new rulemaking:

§57.5060(a) and (b) – changing the diesel particulate matter surrogate from total carbon to elemental carbon for both the interim and final concentration limits;

§57.5060(d) – permitting miners to work in areas where diesel particulate matter exceeds the applicable concentration limits;

§57.5060(e) – prohibiting the use of personal protective equipment to comply with the concentration limits;

§57.5060(f) – prohibiting the use of administrative controls to comply with the concentration limits;

§57.5061(b) – changing reference of total carbon to elemental carbon;

§57.5061(c) – deleting reference to “area” and “occupational” sampling for compliance;

§57.5062 – addressing the diesel particulate matter control plan.

Advance notice of proposed rulemaking was published September 25, 2002. Comment period ended November 25, 2002. Notice of proposed rule is expected to be published in the near future.

Hazard Communication – Completed

Action Stage - Final rule was published June 21, 2002. **Effective dates** are: **September 23, 2002** for mines with 6 or more employees, **March 21, 2003** for mines with 5 or fewer employees. Correction to preamble and final rule was published October 4, 2002.

Improving and Eliminating Regulations –

Proposed Rule Stage - Rulemaking will revise text in CRF to reduce burden or duplication, and to streamline requirements. The following issues are being considered for direct final and/or proposed rulemaking: updating the 1985 SAE seat belt standard to the current 1997 standard; providing alternatives for containers used to store flammable liquids; addressing compliance burdens for small mines; reducing paperwork approval burden for sanitary toilet facilities; and allowing the use of spring-loaded locking devices on battery powered machines, rather than padlocks. The following phases are expected September, 2003: Notice of proposed rulemaking and direct final rule – phase 7 – storage containers; Notice of proposed rulemaking and direct final rule – phase 9 – sanitary toilet facilities; Notice of proposed rulemaking and direct final rule – phase 8 – small mine compliance; Direct final rule – phase 6 – seat belts; Direct final rule – phase 10 – spring-loaded locks.

Mine Rescue Teams – Completed Action – Withdrawn September 4, 2002.

The Semiannual Regulatory Agenda was published December 9, 2002. This document contains the agenda of regulations that have been selected for review or development during the coming one-year period. Copies of this document are available upon request and

can be obtained by contacting the Office of Standards, Regulations, and Variances or on MSHA's Homepage.

For further information on regulatory subjects please contact Office of Standards, Regulations and Variances; 1100 Wilson Boulevard; Arlington, VA 22209-3939; (202) 693-9440.

INDUSTRY

2002 MINING FATALITIES

In 2002, mining operations reported the following:

67 fatalities reported, nationwide:

**40 of these occurred at metal/
nonmetal mines,**

27 were at coal operations

This was an historic new low for the mining industry as a whole.

In metal and nonmetal, the 40 fatalities equaled the second lowest figure on record – there were 40 in 1994. There were 30 fatalities reported in 2001, the lowest number of fatalities on record.

DID YOU KNOW???

Of the 40 fatalities experienced at metal and nonmetal mines in 2002...

7 occurred to contractors working on mine properties (18%)

9 occurred at mines with 5 or fewer employees (23%)

15 were classified as Powered Haulage (38%)

17 of the Victims were Equipment Operators/Truck Drivers (42%)

12 victims had less than 1-year On-Job/Contractor experience (30%)

The Average Age of the fatality victim was 43

equipment operators on the hazards of operating equipment parallel to a highwall and failure to develop a procedure for safely handling a highwall when the upper portion has become undercut.

2003 MINING FATALITIES

As of March 6, 2003, mining operations have reported the following:

10 fatalities reported, nationwide:

4 of these occurred at metal/nonmetal mines,

6 were at coal operations

2002 FATALS REPORTED IN SOUTHEAST

There were 9 chargeable fatalities reported in the Southeast – two to contractors working on mine properties. Following is updated information reported since the last newsletter was mailed:

Update - November 13, 2002 – Puerto Rico - a 30 year-old bulldozer operator was fatally injured while pushing up previously shot material with the dozer near the base of a 21-foot highwall. A large portion of the highwall failed, collapsing the ROPS on the dozer and fatally injuring the victim. **Cause of Accident:** failure to remove the loose material from the highwall prior to persons being assigned work in the area. Failure to inspect the highwall for loose material prior to beginning work contributed to the cause of the accident. **Root Causes Identified:** failure to train or instruct

2003 FATAL REPORTED IN SOUTHEAST

The Southeast has had one fatal reported this year, as of March 6, 2003. Following is information available on this incident:

Kentucky – January 18, 2003 – A 37 year-old supervisor was fatally injured when he stepped through a metal plate that was covering an airshaft. The victim was attempting to get to a water hose to relocate it when he stepped on the plate. The plate had deteriorated and was unable to support the victim, causing him to fall 143 feet to the second level of the mine. **Cause of Accident** - still under investigation.



As a Reminder...

Quarterly Employment and Injury Reports for first quarter (January - March) are due to be submitted to Denver by April 15, 2003.



**HELP US KEEP OUR
MAILING LIST
CURRENT**

As address corrections or deletions become necessary, please let us know. Changes and/or deletions should be submitted by identifying the 5-digit identification number shown in the upper left-hand corner of your mailing label.

If you are currently not receiving

Southeast News: Major and Miner, and would like to be added to the mailing list, please submit the following information: name, job title, and address.

Additions, changes, deletions should be sent to: Cindy Kinard; MSHA-M/NM; 135 Gemini Circle, Suite 212; Birmingham, AL 35209. (205) 290-7296, ext. 225, fax: (205) 290-7299; e-mail: kinard-cindy@msha.gov

Yours in Safety,

*Bartow, Florida Field Office
*Birmingham, Alabama Field Office
*Columbia, South Carolina Field Office
*Franklin, Tennessee Field Office
*Knoxville, Tennessee Field Office
*Lexington, Kentucky Field Office
*Macon, Georgia Field Office
*San Juan, Puerto Rico Field Office
*Sanford, North Carolina Field Office

**Harry Verdier,
Acting District Manager
Southeastern District
Mine Safety and Health
Administration
Metal and Nonmetal
Birmingham, Alabama**

REMEMBER



**Safety is a
Value**